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COUNSEL FOR PLAINTIFF INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 68,
WELFARE FUND AND THE CLASS

International Union of Operating
Engineers, Local No. 68 Welfare Fund
(an unincorporated trust)

Plaintiff,

v.

AstraZeneca PLC; et al.

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MONMOUTH COUNTY

CIVIL ACTION NO. MON-L-3136-06

**NOTICE OF MOTION TO DISMISS
WITHOUT PREJUDICE CONFLICTING
CLASS CLAIMS AS TO DEFENDANTS
OVERLAPPING MDL 1456**

TO DEFENSE LIAISON COUNSEL:

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Dickstein Shapiro, LLP
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Michael L. Rosenberg, Esquire
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AND TO ALL DEFENSE COUNSEL ON SERVICE LIST

PLEASE TAKE NOTICE that on October 5, 2007, at a time to be determined by the Court, or at a time on another date to be determined by the Court, The Haviland Law Firm and Keefe Bartels, Co-Lead Counsel for Plaintiff, International Union of Operating Engineers, Local No. 68 Welfare Fund, and for the Class, shall move before the Honorable Louis F. Locascio, J.S.C., Superior Court of New Jersey, Law Division, Monmouth County, for an Order dismissing without prejudice defendants, Abbott Laboratories, Amgen Inc., Zeneca, Inc., AstraZeneca Pharmaceuticals L.P., Aventis Pharmaceuticals, Inc., Hoechst Marion Roussel, Inc., Aventis Behring L.L.C., Baxter International Inc., Baxter Healthcare Corporation, Bayer Corporation, Bristol-Myers Squibb Co., Oncology Therapeutics Network Corp., Apothecon, Inc., Dey, Inc., Fujisawa Healthcare, Inc., Fujisawa USA, Inc., Immunex Corporation, Johnson & Johnson, Centocor, Inc., Ortho Biotech, Pharmacia Corporation, Pharmacia & Upjohn, Inc., Schering-Plough Corporation, Warrick Pharmaceuticals Corporation, Sicor, Inc., Gensia Sicor Pharmaceuticals, Inc., and Watson Pharmaceuticals, Inc. Plaintiff will rely on the Certification of Counsel in support of the Motion, which has been filed and served simultaneously herewith.

I certify that the Clerk of Monmouth County was served on this date with the original motion papers via Hand Delivery. Additionally, I certify that all counsel of record were served on this date with a copy of these motion papers via LexisNexis, the Court-approved electronic document delivery system.

PLEASE TAKE FURTHER NOTICE that Plaintiff hereby requests oral argument on this Motion, if timely opposition is received.

Dated: September 18, 2007

By:

Donald E. Haviland Jr.

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